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PATENT  
ATTORNEY DOCKET NO. 048289-5003

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: John M. MARYNOWSKI et al.

Application No.: 09/618,222

Filed: July 18, 2000

For: AN AUTOMATED TRADING SYSTEM IN AN  
ELECTRONIC TRADING EXCHANGE

Confirmation No.: 8771

Group Art Unit: 3624

Examiner: Geoffrey R. Akers

Commissioner for Patents  
U.S. Patent and Trademark Office  
2011 South Clark Place  
Customer Window, **MAIL STOP AF**  
Crystal Plaza Two, Lobby, Room 1B03  
Arlington, VA 22202

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Sir:

**NOTICE OF APPEAL TO THE  
BOARD OF PATENT APPEALS AND INTERFERENCES**

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision of the Examiner dated January 28, 2004, rejecting claims 1-39.

1. Extension of Time

[X] Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

2. Notice of Appeal Fee - 37 C.F.R. § 1.17(b)

[X] The Commissioner is authorized to charge the appeal fee of \$165.00 (small entity status) to Deposit Account No. 50-0310.

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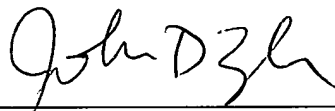
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3. Constructive Petition

[X] **Except** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §1.16 and §1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. §1.136(a)(3).

Respectfully submitted,

**MORGAN, LEWIS & BOCKIUS LLP**

By:   
John D. Zele  
Reg. No. 39,887

Dated: April 28, 2004

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